

CITY COUNCIL MEETING MONDAY, APRIL 23, 2007

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Father Garcia of St. Peter's Roman Catholic Church.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Baez, District 5
Councilor Waltman, District 6

Mayor T. McMahon
City Solicitor C. Younger
City Clerk L. Kelleher
City Auditor D. Cituk

PROCLAMATIONS AND PRESENTATIONS

Council Commendation:

Celebrating AFSCME Week, accepted by members of AFSCME Local 2763 and Ron Lyons President and the members of Local 3799 and Jackie Danizewski President

The PRIDE group from Council on Chemical Abuse

Mayoral Proclamations:

Recognizing Fair Housing Month, accepted by members of the City of Reading Human Relations Commission

Honoring the National Association of Letter Carriers on the occasion of their 15th Annual Food Drive

Recognizing National Library Week, accepted by the Reading Public Library.

PUBLIC COMMENT

Council President Spencer announced that four citizens were registered to address Council; three on agenda matters and one on non-agenda matters. He inquired if Council objected to suspending the public speaking rules to allow all to address Council at this time. No one objected; therefore, the public speaking rules were suspended.

Heather Hanna, of S. 5th Street, stated that she was representing business owners and patrons as the owner of City Espresso. She expressed the belief that the sidewalk café permit fee is too high and unfair to business owners.

Ed Hanna, of S. 5th Street, expressed the belief that the move of his business from Shillington to downtown Reading has been detrimental to operations.

Cecelia Zuber, of Douglass Street, distributed her proposed amendments to the Solid Waste Ordinance and the Initiative and Referendum Ordinance. She expressed the belief that the Solid Waste Ordinance is a slap in the face to the independent trash haulers and City voters. She also expressed the belief that the proposed Housing Permit Ordinance is discriminatory to property owners and renters. She suggested that the City work to find underground landlords rather than harm those already registered with the City.

Leon McDevitt, of Shillington, described some disturbing events occurring at sporting events at Holy Name High School with Reading School district children. He stated that his personal investigation showed this problem occurs at other events at Holy Name. He expressed the belief that Reading school children are involved and should be disciplined. He expressed the belief that the majority of children who attend Reading schools are pre-criminals.

Councilor Fuhs took issue with the inflammatory comments and statements made by Mr. McDevitt. He requested that Council consider allowing comment from City residents only.

APPROVAL OF AGENDA AND MINUTES

Council President Spencer called Council's attention to the agenda for this meeting and the minutes from the April 9, 2007 regular meeting of Council. He stated that with the approval of the agenda Council will also be approving the legislation under the consent agenda heading. He noted the Administration's request to withdrawn Bill 26-2007 the East Reading Agreement.

Councilor Marmarou moved, seconded by Councilor Baez, to adopt the agenda as amended including the legislation listed under the Consent Agenda heading and the minutes from the April 9, 2007 regular meeting of Council. The motion was approved unanimously.

CONSENT AGENDA

Award of Contract- approximately 450,000 pounds of liquid chlorine to Univar USA Inc., 532 East Emaus Street, Middletown PA 17057, who is the low bidder, for an approximate total bid price of \$136,332.00 **(Purchasing)**

Award of Contract- to PenskeBuick GMC, 100 South Museum Road, Shillington, PA 19607, who is the sole bidder, for a total bid price of \$64,615.00 **(Purchasing)**

Award of Contract- Penske Buick GMC, 100 South Museum Road, Shillington, PA 19607, who is the sole bidder, for a total bid price of \$56,770.00 **(Purchasing)**

ADMINISTRATIVE REPORT

Mayor Tom McMahon read the report distributed to Council at the meeting. He noted his agreement with the suggestion made by Councilor Fuhs to limit public comment to City residents only. The report distributed to Council covers the following topics:

- Downward crime trend
- Report on Great American Clean-Up
- Call Center to handle graffiti complaints
- Fair Housing Conference scheduled for May17

Councilor Sterner expressed the belief that the average City resident lives in fear even as crime statistics appear to be decreased. He stated that the City has much work to do before any long-term benefit is noted by the residents.

Mayor McMahon noted the impact made by the Anti-Gang Task Force. He stated that the fastest impact on crime will occur when the community steps up to the plate.

Councilor Fuhs inquired why the Blueprint Communities program has come to a standstill. He requested additional discussion with the Administration. He noted a recent grant to Hamburg to further the Blueprint Community effort there.

Councilor Goodman-Hinnershitz stated that the statistics present in the crime report differ greatly from the reality that citizens face on a daily basis.

Councilor Goodman-Hinnershitz thanked the police for their response to the rash of car vandalism in District 2.

Councilor Waltman noted the shock of neighbors in the Second and Buttonwood area relating to outbreaks of gunshots. He stressed the need for the City to focus on the enforcement of quality of life ordinances which will help crack down on larger criminal problems.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following topics:

- 2007 Admissions Fee
- Real Estate Transfer Tax
- 2005-2006 Fire Escrow Audit

Councilor Waltman thanked Mr. Cituk for the update on the Real Estate Transfer Tax. He expressed the belief that the amount generated continues to show a high rate of transiency that needs to be corrected.

ORDINANCES FOR FINAL PASSAGE

Bill No. 16-2007 - amending the City of Reading Codified Ordinances by regulating advertisements for the sale of real estate in the

City of Reading **(Waltman/Goodman-Hinnershitz)** *Introduced and tabled at the 03/12/07 meeting of Council*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to table Bill 16-2007.

Bill 16-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 21- amending the City of Reading Capital Improvements Plan, by substituting new projects for deleted existing projects **(Managing Director)** *Introduced at the 03/12/07 meeting of Council; tabled at the 03/26/07 meeting of Council; tabled pending further discussion at the 04/30/07 Committee of the Whole*

Bill No. 24- amending the City of Reading Codified Ordinances by adding a new part dealing with initiative and referendum **(Council Staff & City Solicitor)** *Introduced at the 03/12/07 meeting of Council; tabled at the 04/09/07 meeting of Council pending further discussion at the 04/30/07 Committee of the Whole*

Bill No. 22-2007- amending Chapter 20, Part 1 Solid Waste, of the City of Reading Codified Ordinances **(Managing Director)** *Introduced at the 03/12/07 meeting of Council; tabled at the 03/26/07 and 04/09/07 meeting of Council; discussed at the 04/16/07 Work Session*

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 22-2007.

Bill 22-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 23-2007 - amending Chapter 20 Solid Waste, Section 2 Dumpster Placement, of the City of Reading Codified Ordinances

(Solicitor) Introduced at the 03/12/07 meeting of Council; tabled at the 04/09/07 meeting of Council

Councilor Waltman moved, seconded by Councilor Baez, to table Bill 23-2007.

Bill 23-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 26-2007 - authorizing the conveyance of East Reading Pool to the City of Reading **(Public Works/Solicitor) Introduced at the 03/26/07 meeting of Council; discussed at the 03/26/07 Committee of the Whole; tabled at the 04/09/07 meeting of Council**

WITHDRAWN BY ADMINISTRATION

Bill No. 27-2007 - authorizing the Mayor to enter into agreement terminating the Clinton F. Earl Trust **(Managing Director/Solicitor) Introduced at the 03/26/07 meeting of Council; tabled at the 04/09/07 meeting of Council**

Councilor Fuhs moved, seconded by Councilor Sterner, to table Bill 27-2007.

Bill 27-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 28-2007 - amending Chapter 11, Housing, of the City of Reading Codified Ordinances **(Managing Director/Solicitor) Introduced at the 03/12/07 meeting of Council; tabled at the 03/26/07 meeting of Council**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to table Bill 28-2007.

Bill 28-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

Bill No. 29-2007 - amending the Codified Ordinances of the City of Reading, by increasing the salary of the Mayor and Auditor by:

1. A one time increase of \$1,500.00 (**Finance Committee**)
2. An annual increase of \$2,000.00 for four years (**Auditor 1**)
3. An annual increase of \$1,500.00 for four years (**Auditor 2**)
4. A one time increase of \$1,500.00 followed by annual adjustments based on the preceding years Consumer Price Index (**Fuhs**)

Introduced at the 04/09/07 meeting of Council

Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to adopt option three which will provide an annual increase for the Mayor and Auditor in the amount of \$1,500 per year for the next four years.

Councilor Waltman agreed with the need to increase these salaries but asked Council to consider the rate this proposal will escalate the salaries over the next four years. He also noted the need to consider a Charter amendment that will separate the salary of the Mayor and Auditor.

Councilor Sterner disagreed with increasing these salaries annually. He suggested instead a salary adjustment that occurs with the start of the term of office.

Councilor Goodman-Hinnershitz agreed with the need to consider a Charter amendment that would separate the salary of the Mayor and Auditor.

Councilor Fuhs stated that he will support the increases proposed as it will provide a cost of living adjustment to the positions.

Council President Spencer also noted his agreement with the need to consider a Charter amendment that will separate the salaries. He noted the importance of the independent auditor as a financial watchdog for the City. He expressed the belief that the lower salary of the Auditor does not attract qualified individuals to run for the position.

Mayor McMahon agreed with the need to find qualified candidates to fill the City Auditor's position. He noted the importance of having an independent auditor who has a knowledge of the City's corporate history. He also agreed with the need to split these positions through a Charter amendment.

Bill 29-2007 was adopted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Spencer
President – 5.**

Nay: Sterner, Waltman – 2.

Bill No. 30-2007 - codifying the City of Reading Food Code (Solicitor)

Councilor Waltman moved, seconded by Councilor Marmarou, to table Bill 30-2007.

Bill 30-2007 was tabled by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7.**

Nay: None – 0.

Bill No. 31-2007 - amending the City of Reading Codified Ordinances, by amending Chapter 11 Housing, Part 1 Rental Occupancy Permits, Section 102 Definitions and Section 103 Permits Required (Spencer) *Introduced at the 04/09/07 meeting of Council; discussed during*

Council President Spencer moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 31-2007.

Bill 31-2007 was tabled by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7.**

Nay: None – 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance- conveying the premises situate at 328 Mulberry Street to Our City Reading **(Solicitor)**

Ordinance- amending the City of Reading Codified Ordinances by adding Part 16 Sidewalk Sales to Chapter 10 Health and Safety **(Council Staff) Recommended by the Public Safety Committee**

Ordinance- an Ordinance amending the City of Reading Codified Ordinances by adding Part 15 Sidewalk Cafes to Chapter 10 Health and Safety **(Council Staff) Recommended by the Public Safety Committee**

Ordinance- amending Chapter 6 Conduct, Part 1 Alcoholic Beverages by establishing rules and regulations for bottle clubs **(Council Staff, Legislative Aide Committee, Chief of Police) Recommended by the Public Safety Committee**

RESOLUTIONS

There were no resolutions.

COUNCIL COMMENT

Councilor Fuhs thanked all members of AFSCME for their work to benefit the Reading community. He also thanked Ms. Zuber for her comments on the Solid Waste Ordinance and the Initiative and Referendum Ordinance.

Councilor Fuhs thanked Council Staff and Reverend Weidel of Calvary Baptist Church for their assistance with making arrangements for his April 11 Town Meeting with Congressman Gerlach. He stated that 70 community members attended to discuss issues with Chief Heim and Congressman Gerlach.

Councilor Sterner thanked all AFSCME workers for the work they do to care for the City and its residents.

Councilor Sterner agreed with the need to reconsider the fees in the Sidewalk Café Ordinance. He also agreed with the recommendation made by Councilor Fuhs regarding Mr. McDevitt's inflammatory

statements. He stated that 15 RHS students don't represent the body of 4,700.

Councilor Sterner announced the upcoming crime watch meetings in District 3:

- April 25 at 6:30 pm – 13th Green Elementary
- April 25 at 7:00 pm – St. Mark's Church, 10th & Windsor Sts

Councilor Baez also thanked AFSCME workers for the work they do to care for our City streets, parks, playgrounds, etc. She described the Women's Day Celebration held at Bethel AME Church. She also agreed with the need to consider the fee associated with the Sidewalk Café Ordinance. She also took issue with the statements made by Mr. McDevitt.

Councilor Baez announced the upcoming meetings of Dare to Care and Glenside Community Groups.

Councilor Goodman-Hinnershitz stated that AFSCME employees are the life-blood of City services. She noted the accomplishments of the PRIDE group.

Councilor Goodman-Hinnershitz noted the need to find a balanced approach to Sidewalk Café and Sidewalk Sale Ordinances as these will benefit the Greater Reading community.

Councilor Goodman-Hinnershitz explained that the legislation tabled tonight will allow Council to discuss and improve the legislation proposed.

Councilor Goodman-Hinnershitz noted the success of the Great America Clean-Up held on April 21.

Councilor Marmarou noted the need to enforce the quality of life ordinances to improve residential living. He described the on-going problems with off-campus parties around Albright College.

Councilor Waltman agreed with the need to consider the fee for the Sidewalk Café and Sidewalk Sale Ordinances. He thanked District 6 residents for participating in Saturday's Great American Clean-Up.

Mayor McMahon also agreed with the need to reconsider the fees associated with the Sidewalk Café and Sidewalk Sales Ordinances.

Council President Spencer noted the unfortunate circumstances surrounding the shooting of a civilian on Douglass Street yesterday. He noted the problems created by centralizing group homes in the City.

Council President Spencer noted the accounting problems with the Reading Redevelopment Authority funds and CDBG funds. He requested that the City Auditor perform audits on these areas. He noted the recurrent finding in the external audit report regarding CDBG funds.

Council President Spencer thanked the Administration for providing a March finance report. He noted that the Charter requires at a minimum quarterly financial reports which have been absent for the last two years.

Mayor McMahon reported that this gap was caused by a software problem which has since been fixed. He stated that reports will come on a monthly basis.

Council President Spencer questioned how many events the Special Events Coordinator will be taking on. In a prior statement the Administration stated that on average the Events Coordinator earns \$2,000 - \$4,000 per event. He inquired how many events will be generated to justify this expense. Mayor McMahon replied that this position is expected to generate revenue to make the position self-funding.

Council President Spencer inquired about the Administration's request to table the Solid Waste Ordinance yet again. Mayor McMahon replied that the Ordinance needs some corrections and closure on some gaps. He noted the need for a careful approach to reviewing and adopting legislation.

Council President Spencer noted the importance of hearing the views of non-City residents. He noted the School District's concerted effort to address the problem behavior of Reading School District students.

Councilor Waltman moved, seconded by Councilor Fuhs, to adjourn the regular meeting of Council.

LINDA A. KELLEHER
CITY CLERK